

December 22, 1967

COMMUNIQUE NO. 1

FROM: SNCC, THE VOICE OF BLACK LIBERATION

SUBJECT: THE PREVENTIVE HOUSE ARREST OF CHAIRMAN H. RAP BROWN

Since September 18, 1967, H. Rap Brown, Chairman of the Student Non-Violent Coordinating Committee, has been a political prisoner in New York City, forbidden to travel by a court order, which, if disobeyed, would result in the forfeiture of \$15,000 bond and Brown's imprisonment. This tactic of PREVENTIVE ARREST is being tested by the Federal Government as a way of dealing with those whose opinions they do not like. It is the same tactic used in a cruder form in the Union of South Africa and call their "house arrest." Whether it is called "house arrest" or "preventive arrest," the result of the two is the same: an individual's movements are restricted to a proscribed area for an indefinite period.

Upon examining the facts in the case of H. Rap Brown it becomes clear that the conscious intent was not to jail Brown on various false charges, but simply make it impossible to travel around the country and speak. This would hurt not only Brown, but the organization for which he is Chairman and principal spokesman, the Student Non-Violent Coordinating Committee. Thus, by moving quietly and through the courts, the Government hoped to stop Brown and SNCC without creating a public outcry.

The facts in the case of H. Rap Brown are simple. On July 24, 1967, Brown spoke in Cambridge, Maryland. He left the city the same evening on his way to Washington, D.C. A while after he had left Cambridge the Pine Street Elementary School, which has a history of being burned, was burned again. The next day the State Attorney of Maryland issued a warrant for the arrest of Brown, charging him with inciting the people to burn the school. Later the same day, the Federal Government warrant was issued for the arrest of Brown, this one charging him with leaving the state of Maryland to avoid arrest on the first charge. The Federal charge made him, of course, a fugitive from justice.

Brown learned of the warrants for his arrest, and, on the following day, arranged through his attorneys to turn himself in to the F.B.I. in New York. On July 26, Brown was leaving Washington, D.C. for New York to turn himself in, when he was arrested by the police at Washington National Airport and immediately turned over to the F.B.I. The F.B.I. was fully cognizant of where Brown was going and for what purpose, but they chose to abrogate the agreement that had been worked out between them and Brown's attorneys, choosing instead to make it appear that he had been trying to run away.

He was taken to a detention cell in the U.S. Post Office Building in Alexandria, Virginia, held for six hours and then released. The Federal government had decided to drop the charges of "flight from prosecution" against him.

However, when Brown walked out of the Post Office Building, he was arrested on the steps by Alexandria police, who charged him with "flight from prosecution" under a Virginia state law. The Federal Government had bowed out to let the state government do the same work, knowing that in a Southern court, there was much less chance for Brown to receive a fair hearing than in Federal Court.

He was taken to the city jail in Alexandria, Va., and after some time was released on \$10,000 bond. Then, the Governor of Maryland asked the Governor of Virginia to extradite Brown to stand trial on the school-burning charge. The Governor of Virginia honored this request, Brown was once again in jail, but his return to Maryland was prevented through legal action taken by his attorneys. On September 18, 1967, Brown was released from jail on yet another \$10,000 bail on the condition that he would not leave the eleven counties of the Southern District of New York, except to travel to consult with one of his attorneys.

Shortly thereafter, Brown was once again arrested on a charge of carrying a weapon while under indictment, was jailed in New York City and released on \$15,000 bond. The restriction on Brown's right to travel was appealed to the Chief Justice of the U.S. Supreme Court who turned down the appeal.

It is clear that if H. Rap Brown is going to be released from his "jail" in New York, it will only be because of pressure put upon the Federal Government. This is an important case, because if the Federal Government succeeds in keeping H. Rap Brown "jailed," overnight, militants will find themselves arrested on false charges and released, with the condition that their movements be restricted to a proscribed area. It happened to Bill Epton, Black liberation fighter from Harlem, in 1964, when he was arrested on charges of inciting to riot during the Harlem rebellions of that summer. It happened to John Harris, Black liberation fighter in Los Angeles, who was arrested for leafleting, released and now restricted to California. It happened to Eddie Oquendo, Black draft resistor from Brooklyn, who was convicted for refusing to serve in the Army, released on appeal and is now restricted to the borough of Brooklyn, New York.

It is clear that the Government is trying to do. It is our responsibility to stop them. If they succeed in keeping H. Rap Brown, one of the most well-known Black leaders, restricted to New York, they will have won and will then be able to move with impunity against any militant in the country.

WHAT YOU MUST DO:

1. Send a telegram immediately to SNCC, 100 Fifth Avenue, New York, N.Y. 10011 requesting H. Rap Brown to speak in your community. The United States Government is trying to say that Black people in the United States are not interested in the words of Chairman Brown. We know this is a lie.
2. Write letters of protest to Chairman H. Rap Brown protesting his illegal "house arrest." Your letter may be used as an affidavit which we will attach to his appeal to the Supreme Court to overturn the racist decision of the Virginia cracker judge.
3. Circulate and get signatures for the Citizens Amicus Brief in Support of H. Rap Brown's Appeal from his Jail Restrictions.
4. Send a contribution to the National Office of SNCC, 360 Nelson Street, SW Atlanta Georgia. Your dollars will help SNCC carry on its political work toward